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Inger-Margrethe Procida

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EXAMINER

WOLLSCHLAGER, JEFFREY MICHAEL

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION***Response to Arguments***

Applicant argues by pointing to col. 3, lines 17-19 in Sjoberg and noting that the citation discusses irradiating with infrared radiation having wavelengths which differ from the wave lengths which are absorbed by the polymer. In view of this citation and the amendment, applicant argues that the rejection has been overcome. This argument is not persuasive. The examiner notes that both instant claim 42 and Sjoberg recite the polymer to be irradiated is polyethylene. In Sjoberg, the wavelengths to be avoided are narrower in scope than that suggested by the argument and the applicable wavelengths as set forth by Sjoberg are still within the scope of claim 42, as evidenced by several of the dependent claims.

For example, Sjoberg does suggest avoiding the specific wavelengths of 3.2-3.6 um and 6.7-6.9 um, but also states that 1.2 um is suited for the application and that 2-10 um can also be employed (col. 5, line 60-col. 6, line 24). Further, 1.2 um is exemplified in Sjoberg (col. 6, lines 37-40). Also see claims 11-13 in Sjoberg which help to construe the intended scope of the claims. By comparison, in the instant claims, wavelengths as broad as 0.5 um – 10 um (claims 76, 79) are understood to be within the scope of claim 42. Further, 1.0-5um is within the intended scope in a narrower claim (claim 77) and 1.0-7.0 um (claim 80). Therefore, the specifically recited 1.2 um radiation wavelength of Sjoberg is specifically within the range recited by claims 76, 77, 79, and 80. As such, it is clear that the scope of the amended limitation is still met by Sjoberg and that the scope of the phrase: "wavelengths corresponding to the absorption peaks" has a somewhat different meaning in Sjoberg than in the instant application. In Sjoberg it means 3.2-3.6 um and 6.7-6.9 um while in the instant application, as currently set forth in the claims, it can be broader than 0.5 um – 10 um. Accordingly, the examiner submits that the

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claims would need to be amended to overcome the rejection that is clearly applicable, for example, at the 1.2 um wavelength disclosed and exemplified by Sjoberg.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY WOLLSCHLAGER whose telephone number is (571)272-8937. The examiner can normally be reached on Monday - Thursday 6:45 - 4:15, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff Wollschlager/
Primary Examiner
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March 10, 2010